

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.

COUNSELLORS AT LAW

CHARLES C. CARELLA
BRENDAN T. BYRNE
PETER G. STEWART
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
CARL R. WOODWARD, III
MELISSA E. FLAX
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
LINDSEY H. TAYLOR
CAROLINE F. BARTLETT

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

RICHARD K. MATANLE, II
FRANCIS C. HAND
AVRAM S. EULE
RAYMOND W. FISHER
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ALAN J. GRANT^{*}
STEPHEN R. DANEK
DONALD A. ECKLUND
MEGAN A. NATALE
ZACHARY S. BOWER+
MICHAEL CROSS
CHRISTOPHER J. BUGGY
JOHN V. KELLY III
^{*}MEMBER NY BAR ONLY
+MEMBER FL BAR ONLY

JAMES D. CECCHI (1933-1995)
JOHN G. GILFILLAN III (1936-2008)
ELLIOT M. OLSTEIN (1939-2014)

May 25, 2018

Via ECF

Hon. Michael A. Hammer, U.S.M.J.
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *Celgene Corp. v. Par Pharm., Inc.*, C.A. No. 2:17-3159-ES-MAH
Celgene Corp. v. Hetero Labs Ltd., C.A. No. 2:17-3387-ES-MAH

Dear Judge Hammer:

This firm, together with Taft Stettinius & Hollister LLP, represents Defendants Apotex Inc. and Apotex Corp. (collectively, "Apotex"), and Hetero Labs Limited, Hetero Labs Limited Unit-V, Hetero Drugs Limited, and Hetero USA, Inc. (collectively, "Hetero"), in the above-referenced 17-3387 action. We write on behalf of Apotex and Hetero, Defendants Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan N.V. (collectively, "Mylan Defendants"), Teva Pharmaceuticals USA, Inc. ("Teva"), Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc., Aurolife Pharma LLC, and Eugia Pharma Specialties Limited (collectively, "Aurobindo"), and Breckenridge Pharmaceutical, Inc. ("Breckenridge") (all defendants collectively, "Defendants"), and Plaintiff Celgene Corporation ("Celgene" or "Plaintiff") (all parties, collectively, "the Parties"), in connection with Apotex's and Hetero's request for leave to file for summary judgment of non-infringement of U.S. Patent No. 8,828,427 B2 ("427 patent").

At the May 11, 2018 status conference, this Court ordered: (1) Apotex, Hetero, and Plaintiff to prepare and submit a joint letter concerning Apotex's and Hetero's request for leave to file for summary judgment of non-infringement of the '427 patent ("Joint Letter concerning summary judgment"); and (2) the Parties to submit a joint letter regarding entry of dates for substantial completion of document production as well as other dates that were left to be determined in the Court's Pretrial Scheduling Order (17-3159 ECF No. 65; 17-3387 ECF No. 123) ("Joint Letter concerning scheduling"). 17-3387 ECF No. 165, Text Order. The Parties have reached an agreement regarding preparation and submission of the Joint Letter concerning summary judgment, and have agreed to a short extension of the due date for submission of the Joint Letter concerning summary judgment and the Joint Letter concerning scheduling from May

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25, 2018, to June 1, 2018. Enclosed herewith is a proposed order reflecting the Parties' agreement. If the proposed order meets with Your Honor's approval, we respectfully request that it be entered on the docket.

Thank you for your attention to and consideration of this request.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO

/s/ Melissa E. Flax

MELISSA E. FLAX

Enclosure

Cc: All Counsel of Record (w/enclsoure)(via email)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CELGENE CORPORATION,

Plaintiff,

v.

PAR PHARMACEUTICAL, INC., PAR
PHARMACEUTICAL COMPANIES, INC., and
TEVA PHARMACEUTICALS USA, INC.,

Defendants.

Civil Action No. 17-3159 (ES)(MAH)

ORDER

CELGENE CORPORATION,

Plaintiff,

v.

HETERO LABS LIMITED, HETERO
LABS LIMITED UNIT-V, HETERO
DRUGS LIMITED, HETERO USA, INC.,
AUROBINDO PHARMA LIMITED,
AUROBINDO PHARMA USA, INC.,
AUROLIFE PHARMA LLC, EUGIA
PHARMA SPECIALTIES LIMITED,
APOTEX INC., APOTEX CORP., MYLAN
PHARMACEUTICALS, INC., MYLAN INC.,
MYLAN, N.V., and BRECKENRIDGE
PHARMACEUTICAL, INC.,

Defendants.

Civil Action No. 17-3387 (ES)(MAH)

WHEREAS, Defendants Apotex Inc. and Apotex Corp. (“Apotex”), and Hetero Labs Limited, Hetero Labs Limited Unit-V, Hetero Drugs Limited, and Hetero USA, Inc. (“Hetero”), indicated their intent to file a letter application seeking leave to file a motion for summary judgment of non-infringement of U.S. Patent No. 8,828,427 (“’427 patent”);

WHEREAS, on May 11, 2018, during an in-person status conference, this Court ordered Apotex and Hetero and Plaintiff Celgene Corporation (“Plaintiff”) to submit a joint letter concerning Apotex’s and Hetero’s request for leave to file a motion for summary judgment of

non-infringement of the '427 patent by May 25, 2018 (17-3159 ECF No. 89, Text Order; 17-3387 ECF No. 165, Text Order);

WHEREAS, Defendants Mylan Pharmaceuticals Inc., Mylan Inc., Mylan N.V., Teva Pharmaceuticals USA, Inc., Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc., Aurolife Pharma LLC, Eugia Pharma Specialties Limited, and Breckenridge Pharmaceutical, Inc. (together with Apotex and Hetero, all defendants collectively, "Defendants") also seek to request leave to file for summary judgment of non-infringement of the '427 patent, and wish to join in the joint letter to be submitted by Apotex, Hetero, and Plaintiff (Defendants and Plaintiff collectively, "the Parties");

WHEREAS, on May 11, 2018, during an in-person status conference, this Court ordered the Parties to submit a joint letter regarding entry of dates for substantial completion of document production as well as other dates that were left to be determined in the Court's Pretrial Scheduling Order (*see*, 17-3159 ECF No. 65, Pretrial Scheduling Order at 5 n.1.; 17-3387 ECF No. 123, Pretrial Scheduling Order at 5 n.1; 17-3159 ECF No. 89, Text Order; 17-3387 ECF No. 165, Text Order);

WHEREAS the Parties request entry of an Order extending the deadline for submission of the joint letter concerning Defendants' request for leave to file a motion for summary judgment of non-infringement of '427 patent, and ordering certain deadlines for the preparation and submission of said joint letter, and extending the deadline for submission of a joint letter regarding entry of dates for substantial completion of document production as well as other dates that were left to be determined in the Court's Pretrial Scheduling Order (17-3159 ECF No. 65; 17-3387 ECF No. 123), and all parties having consented, and the Court having found good cause for entry of an order as follows;

IT IS on this ____ day of May, 2018,

ORDERED that the due date for the Parties' joint letter concerning Defendants' request for leave to file for summary judgment of the '427 patent be extended from May 25, 2018 to June 1, 2018, and that the Parties adhere to the following deadlines for preparation and submission of the joint letter:

Event	Date
Defendants to provide their substantially complete portion of the joint letter	May 22, 2018, by 6:00 PM EDT
Plaintiff to provide its substantially complete portion of the joint letter	May 29, 2018, by 6:00 PM EDT
Defendants to provide their near-final edits to their portion of the letter	May 30, 2018, by 6:00 PM EDT
Plaintiff to provide its near-final edits to its portion of the letter	May 31, 2018, by 6:00 PM EDT
Final edits from both sides	June 1, 2018, by 2:00 PM EDT
Defendants file letter	June 1, 2018, by 6:00 PM EDT

ORDERED that the due date for the Parties' joint letter regarding entry of dates for substantial completion of document production as well as other dates that were left to be determined in the Court's Pretrial Scheduling Order (17-3159 ECF No. 65; 17-3387 ECF No. 123) be extended from May 25, 2018 to June 1, 2018.

SO ORDERED on this ____ day of _____, 2018

Hon. Michael A Hammer